Vehicle Impoundment
Registry

Annual Report
2006-2007

Manitoba

ATTORNEY GENERAL
MINISTER OF JUSTICE

Room 104
Legislative Building
Winnipeg, Manitoba, CANADA
R3C 0V8

The Honourable John Harvard, P.C., O.M.
Lieutenant-Governor of Manitoba

MAY IT PLEASE YOUR HONOUR:

It is my privilege to present, for the information of Your Honour, the Annual Report of the Vehicle Impoundment Registry for the year ending March 31, 2007.

Respectfully submitted,

Honourable Dave Chomiak
Minister of Justice
Attorney General

Manitoba

Justice
Deputy Minister of Justice and Deputy Attorney General
Room 110 Legislative Building, Winnipeg, Manitoba, Canada R3C 0V8

Honourable Dave Chomiak
Minister of Justice
Attorney General of Manitoba
Room 104 Legislative Building
Winnipeg. Manitoba
R3C 0V8

Dear Sir:

I submit for your approval the Annual Report of the Vehicle Impoundment Registry for the year ending March 31, 2007.

Respectfully submitted,

Ron Perozzo, Q.C.
Deputy Minister of Justice and
Deputy Attorney General

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Introduction

Drivers who choose to drive in Manitoba while suspended, prohibited or impaired are a significant risk to themselves as well as to others using Manitoba's roadways. The Government of Manitoba is committed to taking firm measures to combat these offences and has implemented meaningful sanctions to help keep our roads and families safe.

In addition to penalties under the *Criminal* Code (monetary fine to a mandatory minimum jail sentence), there are immediate and long-term consequences under *The Highway Traffic Act* for drivers who drive while suspended or prohibited and for drunk drivers, such as 24-hour to lifetime suspensions of their driver's licence. Drivers who are convicted of certain offences are also subject to mandatory licence conditions.

In addition to measures against a driver's licence, the Government of Manitoba has implemented sanctions on vehicles used to commit driving offences. *The Highway Traffic Act* provides for the seizure and impoundment of a vehicle if the driver is driving while disqualified, prohibited or impaired, fails or refuses a breath/blood demand, refuses to comply with a field sobriety test or if the driver is committing a prostitution related offence. For drivers who commit a serious vehicle offence, such as impaired driving causing death, or are determined by Vehicle Impoundment Registry to be a serious repeat offender (i.e. three or or more convictions within five years), the Government of Manitoba has enacted legislation that provides for the forfeiture of the vehicle used to commit the offence.

Section 242.1, Seizure and Impoundment of Vehicles for Certain Offences allows for a vehicle to be impounded for a minimum of 30 days if the Driver:
(a) is driving while disqualified or prohibited,
(b) is driving while intoxicated, blood alcohol content ("BAC") over .08.

and allows for a vehicle to be impounded for a minimum of 60 days if the Driver:
(b) is driving while intoxicated, BAC over .16,
(c) fails or refuses a breath/blood demand,
(d) refuses to comply with a demand for a field sobriety test or fails to follow instructions regarding the test.

The impoundment period for the current offence is extended based on the prior five year history of impoundments of the owner of the vehicle. A vehicle is released if it is determined the impoundment is unlawful or if the vehicle is stolen. An owner who is not the driver charged in the offence may apply to a Justice for the release of the vehicle.

Section 242.2(3), Seizure of Vehicles in Prostitution Related Offences, allows a peace officer to seize and impound a vehicle if the driver, while operating a vehicle, commits one of the following offences:
(a) transporting person to bawdy house;
(b) procuring;
(c) offence in relation to prostitution.

For a prostitution related offence, there is no minimum impoundment period. However, the vehicle may be authorized for release if (a) the vehicle is stolen, (b) the driver has been accepted to a program of alternative measures (John School), (c) the owner has provided a cash security equal to the value of the vehicle, or (d) the owner, who is not the driver, applies to a Justice for the release of the vehicle. If the driver is convicted of the prostitution related offence, the vehicle or cash security will be forfeited to the Province of Manitoba.

Section 242.3(2), Forfeiture of Vehicles for Certain Offences, allows for a vehicle to be liable for forfeiture for any of the following single offences:

(a) criminal negligence causing death;
(b) criminal negligence causing bodily harm;
(c) manslaughter;
(d) dangerous operation causing bodily harm;
(e) dangerous operation causing death;
(f) flight from police causing bodily harm;
(g) flight from police causing death;
(h) impaired driving causing bodily harm;
(i) impaired driving causing death, and

Section 242.3(3) allows for a vehicle to be liable for forfeiture for a third or subsequent offence if within five years before committing the offence, the offender had committed two or more offences in this subsection and subsection (2):

(a) dangerous operation;
(b) flight from police;
(c) fail to stop at accident;
(d) drive impaired;
(e) BAC over .08;
(f) refuse to supply sample;
(g) drive disqualified.

The vehicle may be authorized for release from forfeiture if (a) the owner, who is not the driver, applies to a Justice for the release of the vehicle, or (b) the owner, who is the driver, provides a cash security equal to the value of the vehicle. Unless the vehicle has been released from liability to forfeiture, the vehicle or the money deposited is forfeited to the Province of Manitoba upon conviction of the driver.

The Vehicle Impoundment Registry is responsible for the administration of vehicle impoundments and forfeitures, including determining if the impoundment is lawful, setting the impoundment period, issuing Notices of Extension or Release, authorizing the disposition of a vehicle, answering public inquiries and ensuring compliance with the legislation by police agencies and garage keepers.

Vehicle Impoundment Registry Results

Disqualified, Prohibited and Alcohol-Related Seizures

3195 vehicles were impounded in 2006/07 as a result of driving disqualified or prohibited or driving over .08 or failing or refusing to comply with a breath/blood or field sobriety test demand. 64 (2%) of these vehicles were classified as "off-road vehicles". Of these 3195 seizures, 1085 (34%) of the seizures occurred in Winnipeg and 2110 (66%) seizures were in rural areas.

Once a vehicle is seized by a peace officer, it is deposited with one of the 141 registered garage keepers that participate in the Vehicle Impoundment Program. Final determination of the duration of seizure is made by the Vehicle Impoundment Registry. Once the impoundment period has expired, the vehicle must be either picked up by the owner or otherwise dealt with by the garage keeper. In 2006/07, 67% of all vehicles were claimed from the garage keeper facilities. The remaining 22% of vehicles remained unclaimed or were otherwise disposed of (11%) via release, auction or transfer of ownership under *The Garage Keepers Act* (to cover storage fees).

The following table shows the monthly total seizures of the program and the disposition of these vehicles:

Month/Year	Total Seizures	Vehicles Claimed	Vehicles Transferred	Vehicles Auctioned	Vehicles Released	Vehicles Unclaimed
April 2006	264	201	18	24	11	10
May 2006	297	219	16	36	16	10
June 2006	294	214	25	17	15	23
July 2006	280	204	20	12	16	28
August 2006	284	218	11	5	14	36
September 2006	272	204	4	2	13	49
October 2006	292	229	3	4	15	41
November 2006	234	171	0	4	11	48
December 2006	278	197	2	1	7	71
January 2007	202	134	0	0	8	60
February 2007	227	98	0	0	10	119
March 2007	271	40	0	0	11	220
Total	**3195**	**2129**	**99**	**105**	**147**	**715**
Percent of Total	**100%**	**67%**	**3%**	**3%**	**5%**	**22%**

Who is involved?
The following table details the age of drivers (total of 3195) who were involved with the Vehicle Impoundment Registry in 2006/07:

Age of Driver	April 1, 2006 to March 31, 2007	
	Number	Percentage
20 & under	558	17%
21 to 25	648	20%
26 to 30	463	14%
31 to 35	387	12%
36 to 40	295	9%
41 to 45	314	10%
46 to 50	217	7%
51 to 55	140	4%
56 to 60	75	2%
61 to 65	47	1%
66 to 70	30	Less than 1%
71 to 75	5	Less than 1%
76 to 80	8	Less than 1%
81 plus	8	Less than 1%

Highlights

Drivers 16 to 25 years of age represented 37% of drivers in the Vehicle Impoundment Registry.

Drivers 26 to 35 represented 26% of drivers.

Drivers 36 to 55 represented 30% of drivers.

Drivers older than 55 represented a small proportion, less than 6%, of drivers.

Over 50% of drivers in the Vehicle Impoundment Registry were under 30 years of age and less than 2% were over 65 years of age.

Owners who are considered "repeat offenders" by the Vehicle Impoundment Registry have their impoundment times extended according to guidelines established by sections 242.1(7.1.1) and (7.1.2) of *The Highway Traffic Act*. In 2006/07, 474 of the seizures (15%) were determined to involve repeat offenders. The extensions and the outcomes of these extensions are noted in the table below:

Month	Extensions Issued	Extensions Completed	Impoundments Revoked
April 2006	44	39	5
May 2006	46	42	4
June 2006	45	39	6
July 2006	33	32	1
August 2006	41	33	8
September 2006	46	40	6
October 2006	30	27	3
November 2006	37	31	6
December 2006	34	33	1
January 2007	41	35	6
February 2007	31	28	3
March 2007	46	41	5
TOTAL	**474**	**420**	**54**

What are the outcomes of these seizures?
The owner may, in certain circumstances set out in legislation, apply to a Justice appointed by the Chief Judge of the Provincial Court of Manitoba to conduct impoundment hearings for the revocation of the impoundment. The circumstances in which an owner may apply for revocation are set out in the legislation; for example, they include cases where the driver was in possession of the vehicle without the knowledge or consent of the owner.

In 2006/07, there were 821 applications (26%) to revoke a seizure. Of these 821 applications, 650 (79%) were successful and had the vehicle released prior to the expiry of the impoundment period (approximately 20% of total vehicles seized).

The table below represents the number of applications to revoke and the outcomes for the fiscal year April 1, 2006 to March 31, 2007:

Region	Total Vehicles Seized		Applications to Revoke (% - total seizures)		Seizures Revoked (% - total applications)		Seizures Continued (% - total applications)	
Winnipeg	1085	34%	441	41%	347	79%	94	21%
Regional	2110	66%	380	18%	303	80%	77	20%
Total	**3195**	**100%**	**821**	**26%**	**650**	**79%**	**171**	**21%**

Prostitution-Related Seizures

During the reporting period, 32 vehicles were impounded. Of these seized vehicles, 25 (78%) were released as a result of the driver being eligible for the alternative measures program. Four of the owners applied to a Justice and were successful in having the vehicle released. Since the introduction of this legislation, one vehicle and four security deposits have been forfeited to the Province of Manitoba as a result of convictions being entered.

Fiscal Year	Seized Vehicles	Alternative Measures	Order of A Justice
2006/2007	32	25	4
2005/2006	46	34	5
2004/2005	22	16	2
2003/2004	61	45	10
2002/2003	42	31	5
2001/2002	74	59	7
2000/2001	87	76	8
1999/2000	86	77	6

Tables and Supporting Charts

Financial Report

Note: This report includes revenue received from vehicle seizures as a result of driver disqualified or prohibited or driver impaired, as well as prostitution-related offences.

Revenue	April 1, 2006 to March 31, 2007	
Suspension/Alcohol Related Offences		
Provincial Fees Collected:	$271,630.00	
Total Revenue		**$271,630.00**
Claims/Refunds:		
Provincial Fee Refunded:	$0.00	
Claims Settled for Direct Costs	$0.00	
Total Costs		**($0.00)**
NET REVENUE		**$271,630.00**
Prostitution Related Offences		
Provincial Fees Collected:	$4,370.00	
Total Revenue		**$4,370.00**
Claims/Refunds:		
Provincial Fee Refunded:	$0.00	
Claims Settled for Direct Costs:	$0.00	
Total Costs		**($0.00)**
NET REVENUE		**$4,370.00**
Total Net Revenue		**$276,000.00**